

SUPREME COURT OF WISCONSIN

In the Matter of the Amendment of
Supreme Court Rules: SCR chapter 73 --
Juror Use and Management

ORDER
No. 96-05

The court held a public hearing May 20, 1996 on the petition of the Judicial Council of Wisconsin seeking the adoption of Supreme Court Rules to require each judicial circuit in the state to analyze periodically the performance of the jury system in the circuit in respect to specific measurements, to require each judicial circuit to provide information, orientation and instruction to jurors and prospective jurors, and to establish requirements for jury deliberations to ensure impartiality and enhance decision making. The court has considered the petition and the presentation made at the public hearing.

IT IS ORDERED that, effective July 1, 1997, chapter 73 of the Supreme Court Rules is created to read:

SCR CHAPTER 73

JUROR USE AND MANAGEMENT

COMMENT: The goal of an effective jury system is to provide the court with the jurors necessary for the resolution of disputes, without causing those summoned to suffer undue hardship or inconvenience. By employing effective jury management techniques, courts can increase the efficiency of operations, reduce costs, and improve the nature and quality of the service asked of citizens. Success in these areas will help strengthen the jury system, enhance the quality of the decision-making process and improve the attitude of the citizenry toward the court system. Courts may refer to the American Bar Association Standards Relating to Juror Use and Management for further information.

SCR 73.01 Monitoring the jury system. Each judicial circuit shall analyze at least annually the performance of the jury system in the circuit to determine all of the following:

(1) If the department list or master list under section 756.04 of the statutes is representative and inclusive of the population of the circuit.

(2) The effectiveness of the summoning and qualification procedures.

(3) The responsiveness of prospective jurors to their summonses for jury duty.

(4) If jurors and prospective jurors are used efficiently.

(5) The cost-effectiveness of the jury system.

JUDICIAL COUNCIL NOTE, 1996: SCR 73.01 implements American Bar Association Jury Standards 12 and 13.

SCR 73.02 Jury orientation and instruction. (1) Each judicial circuit shall provide jurors and prospective jurors with the information necessary to respond effectively to the summons and to fulfill their duties, including all of the following:

(a) Guidance on the process of being summoned and responding.

(b) Orientation to the jury system, court procedures and practices.

(c) Instructions concerning both general duties and responsibilities of a juror and specific case related instructions, as the trial judge considers necessary.

(d) Information concerning jurors' rights and responsibilities

when discharged.

(2) Appreciation may be expressed to the jurors for their service.

(3) The information under sub. (1) may be provided in writing, by personal communication, through audio or audiovisual materials, as part of judicial instructions to the jury or by other means.

JUDICIAL COUNCIL NOTE, 1996: SCR 73.02 implements parts of American Bar Association Jury Standard 16. Other parts of the standard are addressed in statutes dealing with jury instructions. See, for example, ss. 805.13(2), (3) and (4) and 972.10(1).

SCR 73.03 Jury deliberations. (1) Jury deliberations shall take place under conditions and pursuant to procedures that are designed to maintain impartiality and to enhance rational decision making.

(2) The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

(3) Sequestration shall be required only for the purpose of insulating the jury from improper information or influences.

(4) The judge shall determine, after considering the needs of the jury, the parties and the court system, whether a jury will deliberate after normal working hours.

(5) Training shall be provided to personnel who escort and assist jurors during deliberation.

JUDICIAL COUNCIL NOTE, 1996: SCR 73.03 implements American Bar Association Jury Standard 18.

IT IS FURTHER ORDERED that the Notes of the Judicial Council

are not adopted but shall be printed for information purposes.

IT IS FURTHER ORDERED that notice of this amendment of the Supreme Court Rules shall be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 29th day of May, 1996.

BY THE COURT:

Marilyn L. Graves, Clerk